

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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SAMANTHA C. MILNER-KOONCE,

Plaintiff,

v.

ALBANY CITY SCHOOL DISTRICT, et al.,

No. 1:21-CV-1271  
(LEK/CFH)

Defendants.

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**APPEARANCES:**

Samantha C. Milner-Koonce  
58 Kent Street  
Albany, New York 12206  
Plaintiff pro se

**ORDER**

**I. Background**

Plaintiff pro se Samantha C. Milner-Koonce (“plaintiff”) commenced this action on November 29, 2021, with the filing a complaint and an application to proceed in forma pauperis (“IFP”). See Dkt. Nos. 1, 2. In a Report-Recommendation and Order dated May 12, 2022, the undersigned: (1) granted plaintiff’s IFP application; (2) ordered that plaintiff’s Americans with Disabilities Act (“ADA”) retaliation claim and Family Medical Leave Act (“FMLA”) claim against defendant Albany City School District (“School District”) proceed; (3) recommended that plaintiff’s claims against the School District for discrimination under the ADA, Equal Pay Act (“EPA”), Genetic Information Nondiscrimination Act (“GINA”), and Title VII, and state law intentional infliction of emotional distress claim be dismissed without prejudice and with leave to amend; and

(4) recommended that the claims against defendant Honeywell Law Firm be dismissed with prejudice and without leave to amend. See Dkt. No. 5. Plaintiff filed objections to the Report-Recommendation and Order, see Dkt. No. 7, and on June 29, 2022, Senior District Judge Lawrence Kahn adopted the Report-Recommendation and Order. See Dkt. No. 9.

Plaintiff filed an Amended Complaint on July 26, 2022. See Dkt. No. 10. The undersigned reviewed the complaint pursuant to 28 U.S.C. § 1915 and recommended that (1) plaintiff's ADA claims against the individual defendants and Title VII, GINA, and NYCHRL claims against the School District and individual defendants be dismissed with prejudice and without leave to amend; (2) plaintiff's claims against individual defendants Kaweeda Adams, Lori McKenna, and Matthew Petrin be dismissed without prejudice and with leave to amend; and (3) all other claims be permitted to proceed. See Dkt. No. 11. District Judge Kahn adopted in part and rejected in part the Report-Recommendation and Order. See Dkt. No. 15. In doing so, District Judge Kahn ordered that (1) plaintiff's ADA claims against the individual defendants and Title VII, GINA, and NYCHRL claims against the School District and individual defendants be dismissed with prejudice and without leave to amend; (2) plaintiff's FMLA claim against Lori McKenna be dismissed without prejudice and with leave to amend; and (3) that all other claims survive initial review and require a response. See id. Plaintiff filed a letter on June 30, 2023, stating that she accepted District Judge Kahn's order, did not intend to amend her complaint as to her dismissed FMLA claim, and wished to proceed with the claims that survived initial review. See Dkt. No. 16. Thus, plaintiff's Amended Complaint is the operative pleading in this matter, and it shall proceed to service by the

United States Marshal against defendants Albany City School District, Kaweeda Adams, Lori McKenna, Matthew Petrin, Andrea West, and William Rivers. See Dkt. No. 10.

## II. Conclusion

**WHEREFORE**, it is hereby

**ORDERED**, that the Clerk of the Court shall issue summonses for the named defendants and forward them, along with a copy of the complaint and a packet containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern District of New York, to the United States Marshal for service upon the defendants; and it is further

**ORDERED**, that a formal response to the Amended Complaint be filed by defendants or counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on defendants; and it is further

**ORDERED**, that the Clerk is directed to schedule a Rule 16 Conference before the assigned Magistrate Judge; and it is further

**ORDERED**, that any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy was served upon all opposing parties or their attorneys is to be returned, without processing, by the Clerk. Plaintiff shall also comply with any requests

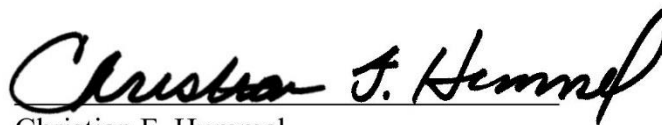
by the Clerk's Office for any documents that are necessary to maintain this action; and it is further

**ORDERED**, that all motions shall comply with the Local Rules of Practice of the Northern District; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: July 7, 2023  
Albany, New York

A handwritten signature in black ink, reading "Christian F. Hummel". The signature is written in a cursive, flowing style.

Christian F. Hummel  
U.S. Magistrate Judge